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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/672,821	09/29/2000	John C. Lynch	91436-284	2252

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EXAMINER

GEREZGIHER, YEMANE M

ART UNIT	PAPER NUMBER
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2144

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/672,821

Applicant(s)

LYNCH ET AL.

Examiner

Yemane M. Gerezgiher

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 09/29/2000.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

1. The amendment mailed on 10/22/2004 has been entered. Claim 24 is cancelled by the amendment. Claims 1-23 remain pending in this application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1, 6, 7-11, 12-15, 17-20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chong et al (U.S. Patent Number 6,205,557) hereinafter referred to as Chong in view of Galloway (U.S. Patent Number 5,430,709).

As per claims 1, 12, 13, 15 and 22, Chong disclosed a communication network including an active and standby call servers, the standby server becoming active upon failure of the active call server (See ABSTRACT) where the active server receiving signal from an interface server hereinafter referred to as a "media gateway". The active call server *sending/receiving a request, to/from a media gateway, for information regarding said active media connection; and receiving said information.* ("The active call server may then

send a request back to the *media gateway* requesting more information regarding the call and receiving the information...). See Column 1, Lines 36-62, and Column 2, Line 25 through Column 3, Line 17 and Figure 5.

As per claims 6 and 7, Chong disclosed an active call server storing the received information about active media connection in a *memory*. See Column 3, Lines 26-33.

As per claim 14, Chong disclosed a telecommunication network including an active and standby call servers, the standby server becoming active upon failure of the active call server. Chong disclosed *receiving an indication of a failure of a primary call server, said primary call server, prior to said failure, supporting said active media connection; responsive to said receiving, sending a request, to a media gateway, for information regarding said active media connection; and receiving said information*. See ABSTRACT, Column 1, Lines 54-62, Column 4, Lines 28-36 and Column 5, Lines 6-32. Chong substantially disclosed the invention as claimed. However, as also argued by the applicant's remark on page 6 of 10, Chong disclosed call information related to a call at a call setup stage, failing to teach the information been an active connection information. However, as evidenced by the teachings of Galloway, monitoring ongoing/established active media connection and maintaining a call record of the active connections of calls between communication terminals, the information about the active media connection comprising plurality of detailed attributes specifying detailed call

information of the caller and the callee associated with the ongoing or active media connection. See Abstract, Figs. 4-5 (Galloway further disclosed identification of device originating a active media connection, duration of the active media connection, coding of the active connection and quality of service associated with the active media connection as in claims 8-11, 17-20) Column 1 Line 58 through Column 2 Line 37 and Column 2 Line 60 through Column 3 Line 56.

Thus, it is respectfully submitted that it would have been obvious to one of ordinary skill in the art at the time the invention was made to take the teachings of Galloway related to monitoring and recording active media connections and have modified the teachings of Chong related to a communication system having therein an active and backup call servers monitoring call establishment call information at a call setup stage in order to maintain a detailed record of active media connections related to the statistics of the active call information in both directions. See Column 1 Line 66 through Column 2 Line 1 and Column 9 Lines 15-42.

4. Claims 2-5, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chong et al (U.S. Patent Number 6,205,557) in view of Galloway (U.S. Patent Number 5,430,709) further in view of what would have been obvious to one of ordinary skill in the art at the time the invention was made.

With respect to the claim rejection applied to claims 1 and 15 above, the combined teachings of Chong and Galloway disclosed the invention as claimed. However, the already combined teachings of Chong and Galloway is silent about the specific protocol used from a possible communication protocols such as SNMP (Simple Network Management Protocol), MGCP, SIP (Session Initiation Protocol) which are used to acquire information between the active and or the backup call servers and interfacing servers (media gateways).

However, the protocols mentioned above were well known in the art at the time the invention was made. In fact SNMP (Simple Network Management Protocol) *is used to read and write (set) information on network devices, which is a standard for gathering statistical data about network traffic and the behavior of network components; SNMP uses management information bases (MIBs), which define what information is available from any manageable network device.* MGCP (Media Gateway Control Protocol) *is a protocol for IP telephony that enables a caller with a PSTN phone number to locate the destination device and establish a session also known as IETF RFC 2705* and further SIP (Session initiation protocol) *is an Internet standard specified by the Internet Engineering Task Force (IETF) in RFC 2543. SIP is used to initiate, manage, and terminate interactive sessions between one or more users on the Internet. SIP, which borrows heavily from HTTP and the e-mail protocol SMTP, provides scalability, extensibility, flexibility, and capabilities for creation of new services. SIP is increasingly used for Internet telephony signaling, in gateways, PC phones,*

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softswitches, and softphones. For example See (U.S. Patent Number 6,584,186) issued to Aravamudan et al disclosed the use of the claimed protocols (See Column 1, Line 55 through Column 2, Line 5 and Column 13, Lines 50-57).

The use of the protocols disclosed above was commonly known and used in the art of VOIP, which is an arbitrary choice of an ordinary skill in the art when developing or establishing a communication session in a voice communication network. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to take those commonly and widely implemented protocols related to obtaining or transmitting information between network devices and have modified the already combined teachings of Chong and Galloway in order to facilitate the transmission of information between devices in a telephony network.

5. Claims 21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arango et al (U.S. Patent Number 6,724,747) hereinafter referred to as Arango in view of the already combined teachings of Chong and Galloway as applied to claims 1, 12-15, and 22 above.

Arango disclosed a method and system for media connectivity over a *packet-based network, a telephone station apparatus a media gateway communicatively connected to a telephone station apparatus and a data network and connected to media gateway controller or connection manager* for establishing a connection between first media gateway and a second media

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gateway. See Figures 1-5, Column 1, Lines 45-60 and Column 2, Lines 5-24.

Since a media gateway is a computer device or a computer program run on a computer device that translates between two dissimilar protocols, a media gateway comprising a receiver to receive data from first network and to process the received data using a processor connected to the receiver and to transmit the processed data to a second network through a transmitter connected to a processor is inherently disclosed by Argon's described media gateway. Arango substantially disclosed the invention as claimed. However, Arango was silent about *sending from the media gateway to the backup call server information regarding an active media connection terminated at said primary server; and receive said information at the backup call server.*

However, the combined teachings of Chong and Galloway disclosed an active call server (*a primary call server communicatively connected, over data network*) and a standby/backup call server connected requesting and receiving information from an interface server/gateway, where the interface gateway receives indication of a failure with the active/primary call server and transmitting active media connection information *terminated at said primary server* to the backup call server. See Chong Column 1, Lines 36-62, and Column 2, Line 25 through Column 3, Line 17 and Figure 5 and Galloway Abstract, Figs. 4-5, Column 1 Line 58 through Column 2 Line 37 and Column 2 Line 60 through Column 3 Line 56.

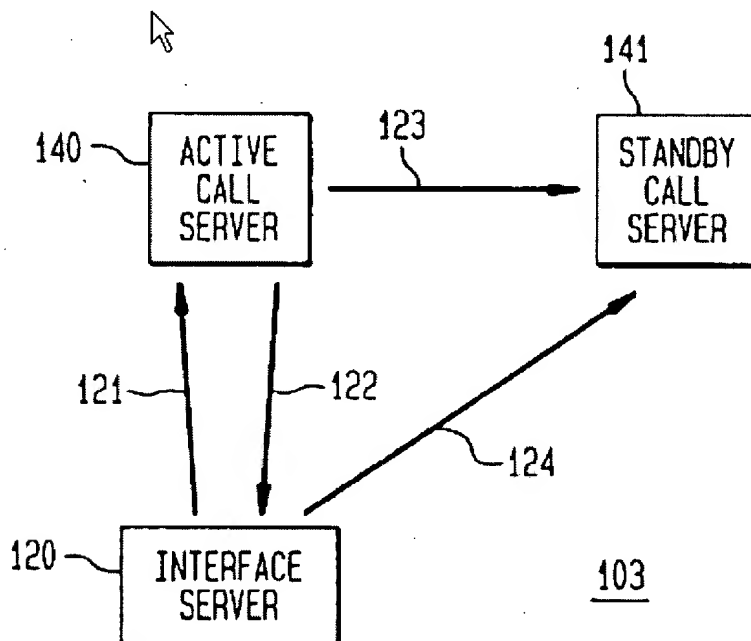
Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to take the teachings of already combined teachings of Chong and Galloway related to transmitting active media connection information data from a media gateway to a warm-standby call server during the failure of a primary/active call server so that “the telecommunications network can insure, in the event of a failure of the active call server, that calls that have been initiated, but not established, will be established.” (See Chong Column 1, Lines 59-62) and further in order to maintain a detailed record of active media connections related to the statistics of the active call information in both directions. See Galloway Column 1 Line 66 through Column 2 Line 1 and Column 9 Lines 15-42.

Response to Arguments

6. Applicant's arguments with respect the nature of the call information been considered but are moot in view of the new ground(s) of rejection.
7. However, the inventive entity argues that active call server or back up server of Chong fails to teach the step of sending a request to the media gateway for information of a call. The argument is not persuasive. As it is clearly shown for example in Fig. 5 (also disclosed below) the teachings of Chong shows interaction with the interface server (media gateway) transmitting a request indicating an action and based on the action to direct the media gateway to redirect information of the call to the alternative warm standby call

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server. As the applicant's argument (See Page 6 of 10), the difference between the claimed invention and the teachings of Chong is that the active call server maintains the buck up server by feeding a copy of the call information (step 123 in Fig.5) where as the claimed invention is allowing the backup call server to send a request to get the call information directly from the media gateway. Even if the steps taken in these solutions appear to be slightly different the functional outcome is the same (maintaining accurate call record and maintaining the communication path between callers without any interruption during a failure of the active call server), which does not change the scope of the invention as claimed.

FIG. 5

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

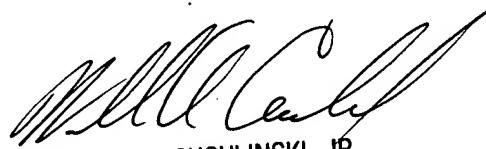
- a. Scoggins et al. (US 6832254 B1) entitled: "Method and apparatus for associating an end-to-end call identifier with a connection in a multimedia packet network"
- b. Gentry et al. (US 6799210 B1) entitled: "Dynamic association of endpoints to media gateway controllers"
- c. Mauger (US 6778494 B1) entitled: "Label switched media gateway and network"
- d. Kung et al. (US 6775267 B1) entitled: "Method for billing IP broadband subscribers"
- e. Havens (US 6735175 B1) entitled: "Changing quality of service for voice over IP calls"
- f. Berg et al. (US 6680952 B1) entitled: "Method and apparatus for backhaul of telecommunications signaling protocols over packet-switching networks"
- g. Berg et al. (US 6674713 B1) entitled: "Method and apparatus for providing continuous voice and call communications between a data network and a telephony network"
- h. Kung et al. (US 6671262 B1) entitled: "Conference server for automatic x-way call port expansion feature"

- i. Kung et al. (US 6570855 B1) entitled: "Automatic call manager traffic gate feature"
- j. Deo et al. (US 6393481 B1) entitled: "Method and apparatus for providing real-time call processing services in an intelligent network"
- k. Thornton et al. (US 6363065 B1) entitled: "OkApparatus for a voice over IP (voIP) telephony gateway and methods for use therein"
- l. Blum et al. (US 5974114 A) entitled: "Method and apparatus for fault tolerant call processing"

9. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Yemane Gerezgiher whose telephone number is (571)-272-3927. The examiner can normally be reached on Monday- Friday from 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful. The examiner's supervisor, William Cuchlinski, can be reached at (571) 272-3925.

Yemane M. Gerezgiher
Patent Examiner


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